REMARKS

This paper is in response to the Final Office Action mailed July 27, 2007. Claims 1, 4-29, 31-33, 35, 36, and 44-47 are pending. No claims have been amended, added, or cancelled. Reconsideration in light of the remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 1, 4-12, 21, 24-29, 31-33, 35 and 44-47 under 35 U.S.C. § 103(a) as being unpatentable over Levy, et al. (U.S. Patent No. 6,505,160) and Lipscomb, et al. (U.S. Patent Publication No. 2006/0206493). Applicants respectfully disagree.

Levy describes a system whereby identifiers embedded in media objects are utilized by a decoding process when the media object is played (Levy, Figure 1; column 6, lines 29-59). The decoding process reads the identifier from the media object and then causes a communications process to send the decoded identifier to a server (Levy, column 4, lines 40-67). The server either performs an action, such as consumer tracking, marketing functions, copyright verification, etc., or returns metadata associated with the media object (Levy, column 4, line 62 to column 5, line 16; column 6, lines 43-59). The decoding process, however, is described as only operating when the identifier is decoded from the media object.

Lipscomb describes distributing media assets to a plurality of users (Lipscomb, Abstract). A portal serves as the center of Lipscomb's distribution scheme in order to distribute an owner's media assets to multiple devices (Lipscomb, column 3, lines 17-34). After a device has received a media asset from the portal server, it may be played on the media device (Lipscomb, column 4, lines 1-13).

Claim 1 recites:

A system comprising:

a controller configured to select an identifier associated with a media object and to send a request to play the media object identified by the identifier, wherein the controller sends the request by wirelessly transmitting the request having the identifier stored in the controller over a first network, the first network being a wireless network;

an appliance configured to receive the request having the identifier from the controller over the wireless network, to determine whether the identified media object is stored in the appliance, to retrieve the media object from a first server via a second network different than the first network when the media object is not stored in the appliance, and to play the media object in response to the request, wherein the controller and the first server are synchronized on a predetermined time period to provide the controller with identifiers for identifying each media object stored on the first server.

That is, independent claim 1 includes a controller that wireless communicates with an appliance over a first network which is a wireless network, where the appliance communicates with a first server over a second network which is different than the first network. The controller sends a request to the appliance to play a media object by wirelessly transmitting an identifier identifying the requested object in the appliance. In response to the request wireless received from the controller over the first network, the appliance determines whether the requested media object is locally stored in the appliance and retrieves the requested object from the first server over the second network (e.g., different than the first network) if the appliance does not have the requested object stored therein. Thereafter, the appliance plays within the appliance (rather than the controller) the retrieved object. Furthermore, the controller and the server are synchronized, based on a predetermined time period, so that the controller is provided with identifiers identifying each media object stored on the first server.

It is respectfully submitted that Levy and Lipscomb, alone or in combination, fail to disclose the limitations set forth above.

Levy fails to disclose a network appliance to receive a request to play a media object from a controller (e.g., a portable device or PDA) over a wireless network (e.g., a first network),

to determine whether the requested media object is stored in the network appliance, to retrieve the requested media object from a server over a second network different than the first network (e.g., wireless network), and to play the retrieved media object within the network appliance (rather than the controller).

The Examiner asserted that Levy discloses the system claimed by the Applicants (Final Office Action, page 3). Applicants respectfully disagree. Rather, the passages of Levy cited by the examiner only refer to obtaining additional content data, or performing an action, based on a decoded identifier (*See* Levy, column 4, lines 33-39 and lines 44-67 discussing that an object becomes active once an identifier is decoded, however the object has already been distributed to a user; *See also* Levy, column 14, lines 11-24 merely noting that communications applications that forward identifiers are dependent on the communication link; *See also* Levy, column 6, lines 43-59 discussing that linked object could require the downloading of decryption software or establishing a license, prior to playing the media object distributed to the end user). That is, the objects retrieved by Levy are not the media objects associated with the identifier of the object requested to be played. Rather Levy describes tertiary metadata, authentication routines performed outside of the media object, software needed to play a media object, etc. However, in each case, the systems and method of Levy already have the media object requested from the controller device. Thus it would not make logical sense to receive a request to receive a request to play a media object, and then even though the object is already stored, to "retrieve the media object from a first server via a second network different than the first network when the media object is not stored in the appliance," as claimed. Therefore, Levy fails to teach or suggest the limitations claimed by the applicant.

Furthermore, Lipscomb describes a system of distributing media assets to various user devices. In order to play a media asset according to the description of Lipscomb, the device must already have the media asset. Lipscomb is completely silent, and fail to address, an appliance configured to "retrieve the media object from a first server via a second network different than the first network when the media object is not stored in the appliance," as claimed.

Therefore, for at least the reasons discussed above, neither Levy nor Lipscomb, alone or in combination, describe or suggest the limitations as claimed in claim 1. Thus, Levy and Lipscomb fail to render claim 1 obvious under § 103. Furthermore, independent claims 29 and 44 include similar limitations to those discussed above with respect to independent claim 1. Therefore, for similar reasons, claims 29 and 44 are also not rendered obvious under § 103 by Levy and Lipscomb. The Applicants respectfully request withdrawal of the rejections.

Given that claims 4-12, 21, 24-29, 31-33, 35 and 44-47 depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are patentable over the cited references. Withdrawal of the rejections is respectfully requested.

With respect to claim 25, the present invention as claimed requires that "the controller is a portable controller capable of wirelessly controlling the appliance over the first network, wherein the first network is a local network and the second network is an external network, and wherein the controller wirelessly controls the appliance to retrieve and play the media object within the appliance." That is the present invention provides for a portable controller to cause an appliance to retrieve and play media objects within the appliance. The Examiner cites Levy (column 12, lines 37-67), but there is nothing in the cited text of Levy that mentions the controller causing the appliance to play a requested media object. Rather, Levy describes a

"fetch it" feature that enables a user to "fetch information and make orders from music as the music is playing" (Final Office Action, paragraph spanning pages 6 and 7). That is, the music that is already playing before a user is enabled to fetch information or order from music, Levy could not tech or suggest a controller that "controls the appliance to retrieve and play the media object within the appliance." In view of this, the Applicants submit that the present invention as claimed in claim 25 is also not rendered obvious by the cited references.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 4-12, 21, 24-29, 31-33, 35 and 44-47 under 35 U.S.C. § 103(a) as being unpatentable over Levy and Lipscomb.

The Examiner rejects claims 13-15 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Levy/ Lipscomb and Dom, et al. (U.S. Patent No. 6,166,735). Applicants respectfully disagree.

As discussed above with respect to independent claim 1, from which claims 13-15 and 22 depend, Levy and Lipscomb fail to describe each and every limitation claimed by the Applicants in claim 1. Because Dom merely describes a system that allows a user to play the video from one of many various starting points of a video, as opposed to the beginning of a video (Dom, column 9, lines 4-50), Dom also fails to teach or suggest the limitations discussed above with respect to claim 1. Thus, Levy, Lipscomb, and Dom, alone or in combination, fail to render claim 1, and thus dependent claims 13-15 and 22, obvious.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 13-15 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Levy, in view of Lipscomb, and further in view of Dom.

The Examiner rejects claims 16-20, 23 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Levy, in view of Lipscomb, further in view of Dom, and further in view of Morris, et al. (U.S. Patent No. 6,097,389).

As discussed above with respect to independent claims 1 and 29, from which claims 16-20, 23, and 36 depend, Levy and Dom fail to describe each and every limitation claimed by the Applicants in claims 1 and 29. Because Morris merely describes a graphical user interface for displaying graphical images (Dom, column 3, line 40 to column 4, line 39), Morris also fails to teach or suggest the limitations discussed above with respect to claims 1 and 29.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 16-20, 23 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Levy, in view of Lipscomb, further in view of Dom, and further in view of Morris.

Conclusion

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,
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